

## REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance of this patent application is earnestly solicited. Claims 1-16 stand rejected. Claims 1, 4, 8 and 9 have been amended. Claim 7 has been canceled. No new matter has been introduced. Claims 1-6 and 8-16 are pending in this application.

In the Office Action, the Examiner rejected claims 4 and 5 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner contends that the recitation “said electrically actuatable valves” in claim 4 lacks antecedent basis. Claim 4 has been amended to recite “said electrically actuatable valve device”. It is submitted that claim 4 (as well as claim 5 by virtue of its dependency from claim 4) is now sufficiently definite. Notice to this effect is respectfully requested.

The Examiner also rejected claim 9 as allegedly being indefinite for its recitation “wherein said at least one manual actuating element is designed as a momentary-contact switch”. The Examiner contends that this requires two momentary-contact switches to admit and exhaust air from the bellows, but only one momentary-contact switch is claimed. Applicants have amended claim 9 to recite “at least one” momentary-contact switch. Accordingly, it is submitted that claim 9 is sufficiently definite. Notice to this effect is earnestly solicited.

The Examiner rejected independent claim 1 and dependent claims 3-8, 10-13 and 15 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Appl. Publication No. 2002/0096840 (“Sulzyc”). Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present patent application, Applicants’ invention is directed to embodiments of a vehicle pneumatic suspension unit having pneumatic suspension

bellows and an electronically controlled level control unit to aerate and bleed the bellows by means of an electrically operated valve device. The pneumatic suspension unit also has at least one manual actuating element to aerate and/or bleed the bellows even when power is not being supplied to the electronically controlled level control unit.

The Sulzyc reference cited by the Examiner describes embodiments of a control system for lifting and lowering the body of an air-suspended vehicle having an axle and level control. The system includes a compressed air source, a plurality of air-suspension bellows each associated with at least one axle and a path sensor to determine the distance between the vehicle body and the axle. The system also includes a selector switch (28) connected to an electronic control unit. The selector switch is mechanically operable to arbitrarily lift and lower the body of the vehicle under correct power supply. *See Sulzyc at [0035].* The system disclosed by Sulzyc further includes a control valve (55) designed to be manually operable in order to lift and lower the body of the vehicle when the supply of electric power fails or is interrupted. *See Sulzyc at [0039].*

In contrast to the present claimed invention, Sulzyc does not teach or suggest an electronically controlled level-regulating device constructed and arranged to receive at least one input variable manually predefined via at least one manual actuating element even in the presence of power supply to the electronically controlled level-regulating device. Sulzyc requires two control elements depending on whether or not power is being supplied. In other words, selector switch (28) is used to lift and lower the body of the vehicle during correct power supply while control valve (55) is used to lift and lower the body of the vehicle when the power supply fails or is interrupted. Unlike Sulzyc, the electronically controlled level-regulating device of the present invention is suitable for receiving at least one input variable manually predefined

in the presence or absence of power supply to the electronically controlled level-regulating device. By advantageously allowing the same actuating elements to be used at any time to predefine the input variable, regardless of whether or not the level-regulating device is being supplied with electrical power, additional actuating elements are not necessary. Thus, assembly of the suspension system is simplified and more cost effective. Furthermore, operator control is simplified because the operator does not need to actuate different operating elements based on the state of the power supply. *See [0035]* of the published patent application.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinensabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the device of the present invention as claimed in independent claim 1 differs structurally, operationally and functionally from the system disclosed in Sulzyc, as discussed above, it is respectfully submitted that independent claim 1 is not anticipated by and is patentable over Sulzyc. Notice to this effect is earnestly solicited.

It is further submitted that claims 3-6, 8, 10-13 and 15, which depend from independent claim 1, are allowable for the same reasons articulated above as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

The Examiner rejected dependent claims 2, 9, 14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Sulzyc in various combination with U.S. Patent No. 5,016,912

(“Smith”); U.S. Appl. Publication No. 2003/0122329 (“Lin”); and U.S. Patent No. 5,176,391 (“Schneider”). Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

Applicants respectfully submit that claims 2, 9, 14 and 16, which depend from independent claim 1, are allowable for the same reasons articulated above as well as for the additional features and structure recited therein. Notice to this effect is respectfully requested.

In addition, Smith, Lin and Schneider do not cure the severe deficiencies of Sulzyc as discussed above. Smith describes embodiments of a wheel suspension system for permitting the floor of the trailer body to be lowered closer to the roadway surface and to be substantially flat from the rear of the trailer through the wheel region of the trailer; and the Examiner relies on Smith primarily for its disclosure of a manual control in parallel and bypassing a branch from an electric controller. Lin describes embodiments of a mechanism for automatically locking the suspension of skid steer vehicles when the operator manipulates a manual input device; and the Examiner relies on Lin primarily for its disclosure of a momentary-contact toggle. Schneider describes embodiments of a system for leveling a vehicle using three extendable and retractable fluid-operated jacks; and the Examiner relies on Schneider primarily for its disclosure of a three-position rotary slide valve.

Unlike the present invention, Smith, Lin and Schneider do not disclose an electrically actuatable valve device that is coupled mechanically with and is actuatable by at least one manual actuating element. In addition, none of the references discloses an electronically controlled level-regulating device constructed and arranged to receive at least one input variable manually predefined via at least one manual actuating element even in the presence of power supply to the electronically controlled level-regulating device. Accordingly, claims 2, 9, 14 and

16 of the present application recite features and structures nowhere found in the Sulzyc, Smith, Lin and Schneider references, and, thus, these references, alone or in combination, cannot yield, teach or suggest the present claimed invention.

The Examiner also alleged potential double patenting issues by contending that claims 1-16 of the present application conflict with claims 1, 2 and 8-11 of co-pending application 10/579,127. Applicants respectfully direct the Examiner's attention to the distinction in scope between the claims -- namely, the present application's claims are concerned with a pneumatic suspension unit having a manual actuating element while the claims of the 10/579,127 application are directed to a valve device having a manually actuatable air-admission valve. Applicants respectfully submit that claims 1-16 of the present application do not conflict with claims 1, 2 and 8-11 of the 10/579,127 application, and notice to this effect is respectfully requested.

Finally, under 37 CFR 1.105, the Examiner has requested technical information including the manufacturer and part number as well as technical data sheets regarding the multiple-level/multiple-pressure momentary-contact switches relating to the claimed invention, specifically, dependent claim 14. Applicants respectfully submit that such requested technical information is not readily available. 37 CFR 1.105(a)(4).

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response other than the \$130.00 fee associated with the Petition for a One-Month Extension of Time submitted herewith. Please charge any fee deficiency and credit any overpayment to Deposit Account No. 50-0540.

Respectfully submitted,

By: 

Randy Lipsitz, Esq.  
Registration No. 29,189  
Richard L. Moss, Esq.  
Registration No. 39,782  
Leslie K. Nguyen, Esq.  
Registration No. 49,081  
Attorneys for Applicants  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9100